WASHINGTON STATE DEPARTMENT OF ECOLOGY

Issuance Date: June 18, 2007
Effective Date: August 1, 2007
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Modification Date: May 16, 2008
2nd Modification Date: December 1, 2008

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040347

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington

and

The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Schnitzer Steel of Tacoma
1902 Marine View Drive
Tacoma, WA 98422

Facility Location: 1902 Marine View Drive Tacoma, WA 98422	Receiving Water: Hylebos Waterway/Commencement Bay
Water Body I.D. No.: WA-10-20	Discharge Location: Latitude: 47° 22' 15" N Longitude: 122° 16' 06" W
Industry Type: SIC Code 5093: Ferrous Scrap Metal Recycling	

is authorized to discharge in accordance with the special and general conditions which follow.

Garin Schrieve, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.A	Matrix Specific MDL and QL Report	As necessary	January 31, 2008
S3.A	Discharge Monitoring Report	Monthly	September 15, 2007
S3.E	Noncompliance Notification	As necessary	
S4.A	Modified Operations and Maintenance Manual or Review Confirmation Letter	Annually	January 2, 2008
S4.A	Updated Operations and Maintenance Manual	1/permit cycle	January 2, 2011, if no modifications have been submitted this permit cycle
S4.B	Reporting Bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	January 2, 2011, if no updates have been made
S5.C	Modification to Solid Waste Plan	As necessary	Within 30 days of modification
S6.	Spill Plan	1/permit cycle	January 2, 2011, if no updates have been made
S6.	Modification to Spill Plan	As necessary	Within 30 days of modification
S7.C	Plan for Conducting Stormwater Mixing Report	1/permit cycle	August 31, 2007
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Permit Section	Submittal	Frequency	First Submittal Date
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SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Stormwater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater to Outfall #001 (the Hylebos Waterway) subject to complying with the following final limitations:

TREATED STORMWATER FINAL EFFLUENT LIMITATIONS: OUTFALL 001		
Parameter	**Average Monthly [a.]**	**Maximum Daily [b.]**
Copper [c.]	90.0 µg/L	90 µg/L
Lead [c.]	280 µg/L	370 µg/L
Zinc [c.]	1,090 µg/L	1,550 µg/L
Total PCBs	2.6 µg/L	3.8 µg/L
Total Suspended Solids	100 mg/L	100 mg/L
Oil and Grease	10 mg/L	15 mg/L
pH	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0.	
Acute WET Toxicity Limit	Meet the acute WET toxicity limit as established in Special Condition S9.	

[a.] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b.] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

[c.] The detection limit and quantitative/reporting limit for metals analysis shall at all times be below the discharge limitation and shall be conducted in accordance to the methods specified in Special Condition S2 of this permit.

B. Bypass

Discharge of untreated stormwater is allowed when storm events in excess of a five-year, 24-hour storm occur. In this case, only stormwater in excess of flow from the five-year 24-hour storm shall be discharged without treatment. The Permittee shall notify the Department of Ecology (Department) within 24-hours of the beginning of the bypass. The Permittee shall supply the Department with data to verify that the storm event received was greater than the five-year, 24-hour storm. These data shall be supplied to the Department within 14 days following the bypass.

C. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

1. Acute Mixing Zone

The acute dilution factor for this mixing zone is 19.0. The acute mixing zone is approximately 9.3 feet long from the diffuser and has a width of approximately 6.8 feet. The acute mixing zone is approximately 3 feet thick and rises to approximately 14 feet below the water surface.

2. Chronic Mixing Zone

The chronic dilution factor for this mixing zone is 78.0. The chronic mixing zone is approximately 150 feet long from the diffuser and has a width of approximately 50 feet.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following schedule:

A. Monitoring Schedule

Category	Parameter	Units	Minimum Sampling Frequency	Sample Type
Treated Stormwater Effluent	Flow	gpd	Continuous	Metered & Recorded
Treated Stormwater Effluent	Copper [a, 1.]	µg/L	Monthly	Composite

Treated Stormwater Effluent	Total Chromium [a, 2]	µg/L	Quarterly	Composite
Treated Stormwater Effluent	Lead [a, 3]	µg/L	Monthly	Composite
Treated Stormwater Effluent	Mercury [a, 4.]	µg/L	Quarterly	Grab
Treated Stormwater Effluent	Nickel [a, 5.]	µg/L	Quarterly	Composite
Treated Stormwater Effluent	Zinc [a, 6.]	µg/L	Monthly	Composite
Treated Stormwater Effluent	Total PCBs [b.]	µg/L	Monthly	Composite
Treated Stormwater Effluent	Chemical Oxygen Demand (COD)	mg/L	Monthly	Composite
Treated Stormwater Effluent	Oil and Grease	mg/L	Monthly	Grab
Treated Stormwater Effluent	Total PAH [c.]	µg/L	Quarterly	Composite
Treated Stormwater Effluent	Total Suspended Solids	mg/L	Monthly	Composite
Treated Stormwater Effluent	pH	S.U.	Continuous	Metered & Recorded
Treated Stormwater Effluent	Priority Pollutants		Once per permit cycle	Composite
Treated Stormwater Effluent	Acute WET Testing (Special Condition S8)		Twice per permit cycle	Composite
Bypass	Total Volume	gallons	Each Bypass Event	Estimate
Bypass	Copper [a, 1.]	µg/L	Each Bypass Event	Grab
Bypass	Total Chromium [a, 2.]	µg/L	Quarterly	Grab
Bypass	Lead [a, 3.]	µg/L	Each Bypass Event	Grab
Bypass	Mercury [a, 4.]	µg/L	Quarterly	Grab
Bypass	Nickel [a, 5.]	µg/L	Quarterly	Grab
Bypass	Zinc [a, 6.]	µg/L	Each Bypass Event	Grab
Bypass	Total PCBs [b.]	µg/L	Each Bypass Event	Grab
Bypass	Chemical Oxygen Demand (COD)	mg/L	Each Bypass Event	Grab
Bypass	Oil and Grease	mg/L	Each Bypass Event	Grab

Category	Parameter	Units	Minimum Sampling Frequency	Sample Type
Bypass	Total PAH [c]	µg/L	Quarterly	Grab
Bypass	Total Suspended Solids	mg/L	Each Bypass Event	Grab
Bypass	pH	S.U.	Each Bypass Event	Metered
Hylebos Waterway Sediment	Sediment Monitoring	Coordinate with the Hylebos Waterway post-cleanup monitoring (see Special Condition S10)		

[a.] The total recoverable metals fraction of the metal shall be measured. The method detection levels and quantitation levels achieved shall conform with the footnotes provided below.

[1.] Copper levels will be monitored using ICP-MS and method number 200.8 from 40 CFR Part 136. Permittee will have six months from the effective date of the permit to establish and submit matrix specific MDLs and QLs to the Department. If such matrix specific MDLs and QLs are not provided by that date, the Permittee shall use 0.5 µg/L as the MDL and 2.5 µg/L as the QL.

[2.] Chromium levels will be monitored using either(a) ICP-MS and method number 200.8, or (b) ICP and method 200.7 from 40 CFR Part 136. Permittee will have six months from the effective date of the permit to establish and submit matrix specific MDLs and QLs to the Department. If such matrix specific MDLs and QLs are not provided by that date, the Permittee shall use either (a) 0.9 µg/L as the MDL and 4.5 µg/L as the QL for method 200.8 or (b) 4.0 µg/L as the MDL and 20.0 µg/L as the QL for method 200.7.

[3.] Lead levels will be monitored using ICP-MS and method number 200.8 from 40 CFR Part 136. Permittee will have six months from the effective date of the permit to establish and submit matrix specific MDLs and QLs to the Department. If such matrix specific MDLs and QLs are not provided by that date, the Permittee shall use 0.6 µg/L as the MDL and 3.0 µg/L as the QL

[4.] The MDL for mercury is 0.0002 µg/L (0.2 nanograms/liter [ng/L]) using EPA method 1631E. The quantitation level (QL) for mercury is 1.0 ng/L (5 x MDL).

[5.] Nickel levels will be monitored using ICP-MS and method number 200.8 from 40 CFR Part 136. Permittee will have six months from the effective date of the permit to establish and submit matrix specific MDLs and QLs to the Department. If such matrix specific MDLs and QLs are not provided by that date, the Permittee shall use 0.5 µg/L as the MDL and 2.5 µg/L as the QL.

[6.] Zinc levels will be monitored using either (a) ICP-MS and method number 200.8, or (b) ICP and method 200.7 from 40 CFR Part 136. Permittee will have six months from the effective date of the permit to establish and submit matrix specific MDLs and QLs to the Department. If such matrix specific MDLs and QLs are not provided by that date, the Permittee shall use either (a) 1.8 µg/L as the MDL and 9.0 µg/L as the QL for method 200.8, or (b) 2.0 µg/L as the MDL and 10.0 µg/L for method 200.7.

[b.] The QL for individual PCBs is 0.2 µg/L (0.4 µg/L for Arochlor 1221) using gas chromatography/electron capture detection and method number 608 from 40 CFR Part 136.

[c.] Total polynuclear aromatic hydrocarbons (PAH) are defined as the summation of the 16 following PAHs:

Napthalene, Acenapthene, Phenanthrene, Fluoranthene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Acenaphthylene, Fluorene, Anthracene, Pyrene, Chrysene, Benzo(k)fluoranthene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene.

Each of the 16 priority pollutant PAHs identified above, shall be quantified and reported separately using EPA Method 625, or other equivalent approved method.

The QLs for the individual PCB isomers will be used for assessment of compliance with these effluent limits. If the Permittee is unable to attain the MDL and QL in its effluent due to matrix effects, the Permittee shall submit a matrix specific MDL and QL to the Department within six months of the permit effective date. The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR Part 136, Appendix B, with the provision that the MDL be calculated for a specific effluent matrix.

The QL = 5 x MDL

Check standards at concentrations equal to the QL shall be analyzed alongside all compliance monitoring samples. Check standards shall be produced independently of calibration standards and maintained as part of the Permittee's records. All check standard recovery data and duplicate measurements shall be submitted to the Department in the discharge monitoring report. The Department's precision goal is ± 20 percent.

If the measured effluent concentration is below the QL, the Permittee shall report the measurement as < (less than) the QL value.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (WAC). Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Region Office
P.O. Box 47775
Olympia, WA 98504-7775

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must take the following action upon violation of any permit condition:

   Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling shall be submitted to the Department within 30 days of sampling.

2. The Permittee must report the following occurrences of noncompliance by telephone, to the industrial unit permit manager at (360) 407-6289, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

   a. any noncompliance that may endanger health or the environment;

   b. any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., "Bypass Procedures");

   c. any **upset** that exceeds any effluent limitation in the permit (See G.16, "Upset");

   d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in S1.A.; or

   e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

3. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 2, above. The written submission must contain:

   a. a description of the noncompliance and its cause;

   b. the period of noncompliance, including exact dates and times;

   c. the estimated time noncompliance is expected to continue if it has not been corrected;

   d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and

   e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

4. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.

5. Reports must be submitted to the address in S3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. Other Noncompliance Reporting.

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24-hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Department inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall submit to the Department for approval an updated O&M Manual in accordance with WAC 173-240-150 or confirm this review by letter stating that the O&M Manual is up to date to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual. If no modifications to the O&M Manual have been made during this permit cycle, then the Permittee shall review and update the O&M Manual and submit it to the Department no later than **January 2, 2011**.

The approved operation and maintenance manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the manual shall include:

1. Treatment system operational controls
2. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
3. Stormwater treatment system maintenance procedures;
4. Maintenance procedures and schedules for all oil/water separators and/or oil skimming equipment on site.

5. Maintenance procedures and schedules for all catch basins, catch basin inserts, and catch basin filter fabrics.

6. The procedure for allowing a bypass, resulting from a severe storm and associated monitoring and reporting (as per Special Condition S3.B) shall be described in the Plan.

7. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the infiltration basin and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted only if:

   Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

   The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under Revised Code of Washington (RCW) 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any modifications to this Control Plan. Changes to the Plan shall be sent to the Department within 30 days of the modification. If no modifications to the Solid Waste Control Plan have been made during this permit cycle, then the Permittee shall review and update the Solid Waste Control Plan and submit it to the Department no later than **January 2, 2011**.

S6. SPILL PLAN

The Permittee shall review the existing Spill Control Plan at least annually and update the Spill Control Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the permit. If no modifications to the Spill Control Plan have been made during this permit cycle, then the Permittee shall review and update the Spill Control Plan and submit it to the Department no later than **January 2, 2011**.

The Spill Control Plan shall include the following:

- A description of operator training to implement the plan.

- A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department and US Coast Guard) in the event of a spill or unpermitted discharge.

- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers are prohibited without specific approval from the Director of the Department.

- Address the prevention, containment, and control of spills or unplanned discharges of: (1) oil and petroleum products, (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-

070, or (3) other materials which may become pollutants or cause pollution upon reaching the waters of the state.

• Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

• In case of a release of sandblast grit and paint into the waterway, the spill plan shall include a provision for skimming of paint and sandblast grit from the waterway.

• A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

The Plan and any supplements shall be followed throughout the term of the permit. The Spill Control Plan shall be kept on site and made available upon request. For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S7. STORMWATER MIXING STUDY

A. General Requirements

The Permittee shall investigate and determine the degree of mixing of treated stormwater in the Hylebos Waterway at the time of critical condition, as defined in WAC 173-201A-020 Definitions-"Critical Condition," or as close to critical conditions as reasonably possible. The mixing data measured in the field will be applied to effluent data to quantify pollution concentrations within and at the edge of the mixing zone. The mixing study shall be submitted to the Department for review and approval and will be used as the basis for revising the existing acute and chronic mixing zones established in this, and previous permits.

If the results of the mixing study indicate that the concentration of any pollutant(s) discharged by the Permittee cause an exceedance of the State Water Quality Standards for Class B marine waters, the Department may modify this permit to require a reduction of those pollutants in order to comply with water quality standards.

B. Study Requirements

The mixing zone shall be determined through the use of a Department approved mixing model. The *Guidance for Conducting Mixing Zone Analyses* (Ecology, 1996) shall be consulted when choosing the appropriate model. Validation (and possibly calibration) of the model results shall be done in accordance with the *Guidance* - in particular subsection 5.2 "Quantify Dilution." The use of models provides a means to examine critical condition scenarios that are quite different from the set of conditions present during the dye study/information gathering process.

The mixing zone model shall be calibrated in the field with dye using study protocols specified in the *Guidance,* section 5.0 "Conducting a Dye Study," as well as other protocols listed in subsection S7.D, Protocols (below). Previous Dye Study may be used, if appropriate.

The dilution ratio shall be determined during critical receiving water conditions approved by the Department. The critical periods for estuaries and marine discharges typically are periods of maximum and minimum stratification, maximum velocities, and slack tides during periods of low tidal flux. The critical condition scenarios shall be established in accordance with *the Guidance* mentioned above.

The effluent discharge diffuser shall be visually inspected for integrity and its integrity tested for performance by the use of tracers. The results of the outfall evaluation shall be included in the final report. The Permittee shall provide the exact location (latitude, longitude in degrees, minutes, and seconds) of the diffuser and provide constructed as-built dimensions. The exact location of the diffuser shall also be provided in a Plan drawing in relation to the site and the Hylebos Waterway bank.

C. Reporting Requirements

A Plan for conducting the Mixing Study shall be submitted to the Department for review no later than **August 31, 2007**.

The Stormwater Mixing Report shall be submitted to the Department for approval no later than **March 31, 2008**.

If the Permittee has information on the background physical conditions or background concentration of chemical substances (for which there are criteria in Chapter 173-201A WAC) in the receiving water, this information shall also be submitted to the Department as part of the Stormwater Mixing Report.

D. Protocols

The Permittee shall determine the dilution ratio using the appropriate protocols outlined in the following references, approved modifications thereof, or by another method approved by the Department:

-Akar, P.J. and G.H. Jirka, *Cormix2: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Multiport Diffuser Discharges*, USEPA Environmental Research Laboratory, Athens, GA, Draft, July 1990.

-Baumgartner, D.J., W.E. Frick, P.J.W. Roberts, and C.A. Bodeen, *Dilution Models for Effluent Discharges*, USEPA, Pacific Ecosystems Branch, Newport, OR, 1993.

-Doneker, R.L. and G.H. Jirka, *Cormix1: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Submerged Single Port Discharges*, USEPA, Environmental Research Laboratory, Athens, GA. EPA/600-3-90/012, 1990.

-Ecology, *Permit Writer's Manual*, Water Quality Program, Department of Ecology, Olympia WA 98504, July 2006, including most current addenda.

-Ecology, *Guidance for Conducting Mixing Zone Analyses*, Permit Writer's Manual, (Appendix 6.1), Water Quality Program, Department of Ecology, Olympia WA 98504, July 2006.

-Fischer, H.B., Transport Models of Inland and Coastal Waters, *Symposium Proceedings*, Academic Press, 1981.

-Fischer, H.B., et al, *Mixing in Inland Coastal Waters*, Academic Press, 1979.

-Fricke, W.E., P.J.W. Roberts, L.R. Davis, J. Keyes, D.J. Baumgartner, K.P. George. 2001. Dilution Models for Effluent Dischargers, Fourth Edition (Visual Plumes). Environmental Research Division, NERL, ORD, U.S. EPA, Athens, GA.

-Kilpatrick, F.A., and E.D. Cobb, Measurement of Discharge Using Tracers, Chapter A16, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior, Reston, VA, 1985.

-Rutherford, J.C., *Handbook on Mixing in Rivers*, Water and Soil Miscellaneous Publication No. 26, New Zealand National Water and Soil Conservation Organization, 1981.

-Wilson, J.F., E.D. Cobb, and F.A. Kilpatrick, Fluorometric Procedures for Dye Tracing, Chapter A12, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics,* USGS, U.S. Department of the Interior. Reston, VA, 1986.

S8. ACUTE TOXICITY

A. Effluent Limit for Acute Toxicity

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Special Condition S1.C of this permit. The ACEC is set at 1.1 percent; however, this permit requires that the acute mixing zone be re-evaluated. If it is determined that the authorized acute mixing zone needs to be updated, the ACEC will change.

In the event of failure to pass the test described in subsection B (below) of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection C (next page) are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for acute toxicity. The acute toxicity tests shall be performed using at a minimum 100 percent effluent, the ACEC, and a control. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. A written report shall be submitted to the Department **within 60 days after the sample date**. The percent survival in 100 percent effluent shall be reported along with all compliance monitoring results.

Compliance monitoring shall be conducted twice during this permit cycle: no later than **April 30, 2009,** and **April 30, 2011.** The acute toxicity reports shall be submitted to the Department no later than **July 31, 2009,** and **July 31, 2011**, respectively. Compliance monitoring shall comprise of using the species and protocols listed below:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).

2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

If the Permittee is in violation of the effluent limit for acute toxicity specified in subsection A, then subsection C shall be immediately implemented. Acute toxicity tests conducted for compliance monitoring shall be within the statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

C. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If a toxicity test conducted for compliance monitoring under subsection B determines a statistically significant difference in response between the ACEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the ACEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for acute toxicity as described in subsection B. The discharger shall return to the original monitoring frequency in subsection B after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and

recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after the sample date. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of the Department's Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on 24-hour composite treated stormwater samples. Samples taken for toxicity testing shall be cooled to 0 - 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in the Department's Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department's Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S9. CHRONIC TOXICITY

Reserved. Chronic toxicity may be required in a future permit.

S10. SEDIMENT MONITORING (MARINE)

A. Sediment Sampling and Analysis Plan

The Permittee shall submit to the Department for review and approval a Sediment Sampling and Analysis Plan for sediment monitoring no later than **July 31, 2010**. The purpose of the plan is to characterize sediment quality in the vicinity of the Permittee's discharge locations. The Permittee shall follow the guidance provided in the Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan (Ecology, 1995).

The Sediment Sampling and Analysis Plan shall define a sampling schedule and designate the sampling locations. The Plan shall include characterization of general sediment pollutants of concern, any pollutants that are associated with the ferrous scrap metal recycling industry. At a minimum, the Plan shall address the pollutants: copper, lead, mercury, zinc, total PCBs, LPAH, and HPAH.

B. Sediment Data Report

Following Department approval of the Sediment Sampling and Analysis Plan, sediments will be collected and analyzed. The Permittee shall submit to the Department a Sediment Data Report containing the results of the sediment sampling and analysis no later than **January 2, 2011**. The Sediment Data Report shall conform with the approved Sampling and Analysis Plan. The Sediment Data Report shall also include electronic copies of the sediment chemical and biological data formatted according to the Department's Sediment Quality Information System template.

S11. OUTFALL EVALUATION

The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. The work done to correct the damage to the outfall diffuser and the connection angle point shall be verified by visual inspection. Verification that an end cap was replaced on the diffuser shall be made. Photographic verification shall be included in the report. The Outfall Evaluation Report shall be submitted to the Department postmarked no later than **January 2, 2011**.

S12. NEARSHORE LOADING AND UNLOADING AREA EVALUATION AND MAINTENANCE

The Permittee shall inspect annually all nearshore barge loading and unloading areas and remove any metal debris found on the bottom and along the banks of the Waterway. A report shall be submitted to the Department detailing the findings of the inspection (pre-cleanup conditions) and post-cleanup conditions, and methods and best management practices used during the cleanup process. Photographic documentation shall be included in the report, if possible. The first submittal shall be postmarked no later than **January 2, 2008**.

S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled **Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities** (Ecology Pub. No. 04-10-030), which is published by the Department. The SWPPP shall incorporate the applicable best management practices (BMPs) provided in the **Stormwater Management Manual for Western Washington** (Ecology Pub. No. 05-10-029 through 05-10-033) and **Vehicle Recyclers – A Guide for Implementing the Industrial Stormwater General NPDES Permit Requirements** (Ecology Pub. No. 94-146, January 2006).

A. Plan Development

The Permittee shall develop, implement, and comply with a SWPPP in accordance with the following schedule:

1. By **September 30, 2007**, develop a SWPPP and retain it on-site.

2. By **November 30, 2007**, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.

3. By **November 30, 2008**, complete the implementation of BMPs requiring capital improvements, if any.

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by **September 30, 2007,** for review and comment. The SWPPP shall include a discussion of pollution prevention practices and BMPs that are related to this NPDES permit which regulate treated stormwater discharges to the Hylebos Waterway. The SWPPP and all of its modifications shall be signed in accordance with General Condition G1. The SWPPP shall be retained on site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities. The plan shall contain the following elements:

   a. Assessment and description of existing and potential pollutant sources.

   b. A description of the operational BMPs.

   c. A description of selected source-control BMPs.

   d. When necessary, a description of the erosion and sediment control BMPs.

   e. When necessary, a description of the treatment BMPs.

   f. An implementation schedule.

C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with General Condition G1, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

S14. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by **January 2, 2011.**

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: (1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); (2) a significant change in the nature or an increase in quantity of pollutants discharged; or (3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to $10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: () an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the

upset as required in condition S3.E; and (4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/L).
2. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500μg/L).
2. One milligram per liter (1 mg/L) for antimony.
3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.